

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 1 has been amended.

Claims 2-26 are cancelled without prejudice.

Claims 27-51 have been added to more clearly and particularly describe the subject matter which applicant regards as the invention. The new claims generally track previous claims 2-26, but have been modified as necessary to be placed in condition for allowance. Support for the new claims can be found in at least paragraph [0026] of the specification and Figures 1A and 1B of the drawings.

Applicant would like to thank the examiner for the early indication of allowability of original claims 7, 11, and 15. However, in view of amended claim 1 and new claims 27-51, which applicant believes to now be in condition for allowance, the applicant has chosen not to re-write the subject-matter of original claims 7, 11, and 15 into independent form at this time.

The drawings were objected to under 37 CFR 1.83(a) with regards to a claimed "L-shaped slot." The Examiner stated that the "L-shaped slot" is not shown in the drawings. It is respectfully submitted that the Examiner is in error. The "L-shaped slot" is clearly shown in Figure 5D as item number 733. Additionally, support can be found in the specification in at least paragraphs [0025] and [0042]. Accordingly, withdrawal of the objection is respectfully requested.

Claims 17, 20, 22, and 25 were objected to because of claim numbering informalities. Respectfully, this objection is now moot in view of amended claim 1 and new claims 27-51. Accordingly, withdrawal of the objections is respectfully requested.

Claims 1-26 were rejected variously under 35 U.S.C. 112, second paragraph. Respectfully, this objection is now moot in view of amended claim 1 and new claims 27-51. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1-5 and 16 were rejected under 35 U.S.C. 102(e) as being unpatentable by Guelck (U.S. Patent No. 6,679,001). Traversal of this rejection is made for at least the following reasons. Amended claim 1 states, in pertinent part, “[A] window assembly including a latching system and a pivoting window sash having a pivoting end and a non-pivoting end, said latching system comprising: an upper latch member disposed near the non-pivoting end of the window sash; an anti-bow latch member disposed between the pivoting end of the window and said upper latch member; and an activating member operationally connected to said upper latch member and said anti-bow latch member for operating both of said upper latch member and said anti-bow latch member.” Guelck does not disclose such structure.

In distinction, Guelck describes a window system having a single locking device (50) attached to a side (42) of a window sash (40). The locking device (50) is movable between an unlocked position and a locked position to permit tilting of the window sash (40). A screw (52) is connected to an activating member (56, referred to as a “latch” in the reference) for moving the locking device (50) between the locked and unlocked positions.

Conversely, the window assembly of the instant application includes an upper latch member (40) and a separate anti-bow latch member (60), both of which are operable through actuation of an activating member (10). The language stating the location of the anti-bow latch member (e.g., “an anti-bow latch member disposed between the pivoting end of the window and said upper latch member”) necessitates two separate latch members because a single latch member cannot be disposed between itself and a window structure.

Additionally, the term “latch” appears to be different from that of Guelck, and is used herein as a noun generally meaning “a device for holding a door,

gate, or the like, closed, consisting basically of a bar falling or sliding into a catch, groove, hole, etc." See <http://dictionary.reference.com/search?q=latch> (*Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006*). Thus, the latches (40, 60) of the instant application are moveable via operation of the activation member (10), such as for engagement with a slide channel (8) of a window frame for selectively permitting the window sash (4) to tilt. Indeed, as described in new claim 41, actuation of the activation member (10) can cause both of the upper latch member (40) and the anti-bow latch member (60) to move from an extended position to an retracted position through openings (41, 61) in the sash stile (5). Further, as described in other claims, the movement of both latch members (40, 60) between the extended and retracted positions can occur generally simultaneously. See paragraphs [0028] and [0031] of the specification.

Thus, Guelck does not disclose every limitation required by amended claim 1, notably "an upper latch member disposed near the non-pivoting end of the window sash; an anti-bow latch member disposed between the pivoting end of the window and said upper latch member; and an activating member operatively connected to said upper latch member and said anti-bow latch member for operating both of said upper latch member and said anti-bow latch member." Accordingly, it is respectfully submitted that amended claim 1 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Additionally, because claims 27-40 depend directly or indirectly from amended claim 1, it is respectfully submitted that claims 27-40 are also now in condition for allowance.

Further, for similar reasoning to that discussed above regarding amended claim 1, Guelck does not disclose every limitation required by new claim 41. Notably, Guelck does not disclose "an operating mechanism for connecting said activating member with both of said upper latch member and said anti-bow latch member, actuation of said activating member causing both of said upper latch member and said anti-bow latch member to move from the extended position to a retracted position via said operating mechanism." Accordingly, it is respectfully

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submitted that claim 41 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Additionally, because claims 42-43 depend directly or indirectly from new claim 41, it is respectfully submitted that claims 42-43 are also now in condition for allowance.

Claims 1-6, 8, 12, 13, and 16-26 were rejected variously under 35 U.S.C. 103(a) as being unpatentable over Guelck in view of Morse (U.S. 5,398,447) or Kelley et al. (U.S. 6,877,784). Traversal of these rejections is made for similar reasons discussed above regarding amended claim 1, and for at least the following additional reasons. For example, new claim 41 states, in pertinent part, "an operating mechanism for connecting said activating member with both of said upper latch member and said anti-bow latch member, actuation of said activating member causing both of said upper latch member and said anti-bow latch member to move from the extended position to a retracted position via said operating mechanism." Neither Guelck nor Morse nor Kelley et al. disclose, teach or suggest such structure.

In distinction, both of Morse and Kelley et al. disclose various methods of using a centrally located window release retractor handle for operation of left and right window release retractors such that as the handle is rotated, the window release retractors are drawn inwardly. However, neither Morse nor Kelley et al. disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor handle. Indeed, none of Guelck, Morse, or Kelley et al. disclose, teach or suggest the addition of an anti-bow latch member.

Conversely, in the instant application, the activation member (10) is operatively connected to operating mechanisms (30, 32) for retracting one or both of the upper latch members 40 and/or one or both of the anti-bow latch members 60. Various operating mechanisms are discussed in the specification. See, for example, paragraphs [0039] – [0042] and Figures 5A – 5D.

Thus, because neither Morse nor Kelley et al. disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor

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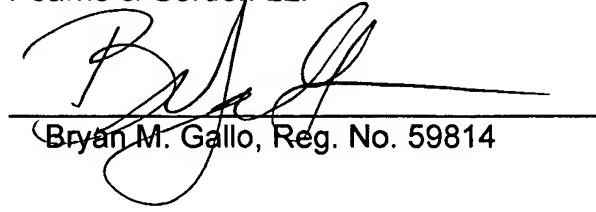
handle, it would not have been obvious to one of ordinary skill in the art to combine these teachings. Moreover, because none of Guelck, Morse, or Kelley et al. disclose, teach or suggest the addition of an anti-bow latch member, a person of ordinary skill in the art would have no motivation to combine these references.

Thus, neither Guelck nor Morse nor Kelley et al., alone or in combination, discloses, teaches or suggests every limitation required by amended claim 1 and new claims 27-51. Accordingly, it is respectfully submitted that amended claim 1 and new claims 27-51 are now in condition for allowance. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 34342.

Respectfully submitted,
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